

EXHIBIT 63

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES,) Case No.
et al.,) 1:23-cv-00108-LMB-JFA
)
Plaintiffs,)
)
vs.)
)
GOOGLE LLC,)
)
Defendant.)

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VIDEOTAPED 30(b)(6) DEPOSITION OF
UNITED STATES CENSUS BUREAU
through the testimony of
Kendall Oliphant
September 27, 2023
9:39 a.m.

Reported by: Bonnie L. Russo
Job No. 6097939

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<p>1 Videotaped 30(b)(6) Deposition of</p> <p>2 United States Census Bureau through the</p> <p>3 testimony of Kendall Oliphant held at:</p> <p>4</p> <p>5</p> <p>6 Paul, Weiss, Rifkind, Wharton & Garrison, LLP</p> <p>7 2001 K Street, N.W.</p> <p>8 Washington, D.C.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 Pursuant to Notice, when were present on behalf</p> <p>19 of the respective parties:</p> <p>20</p> <p>21</p> <p>22</p>	<p>1 APPEARANCES (CONTINUED):</p> <p>2</p> <p>3 Also Present:</p> <p>4 Michael A. Cannon, United States Department of</p> <p>5 Commerce, Chief Counsel for Economic Affairs</p> <p>6 Sam Whitthorne, DOJ, Paralegal</p> <p>7 Claire Cushman, DOJ, Paralegal</p> <p>8 Orson Braithwaite, Videographer</p> <p>9</p> <p>10 Also Present Via Remotely:</p> <p>11 Rachel Zwolinski, United States Department of</p> <p>12 Justice</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
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<p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the Plaintiffs:</p> <p>4 VICTOR LIU, ESQUIRE</p> <p>5 KATHERINE CLEMONS, ESQUIRE</p> <p>6 ALVIN CHU, ESQUIRE</p> <p>7 UNITED STATES DEPARTMENT OF JUSTICE</p> <p>8 450 Fifth Street, N.W.</p> <p>9 Washington, D.C. 20530</p> <p>10 victor.liu@usdoj.gov</p> <p>11 katherine.clemons@usdoj.gov</p> <p>12 alvin.chu@usdoj.gov</p> <p>13</p> <p>14 On behalf of the Defendant:</p> <p>15 MARTHA L. GOODMAN, ESQUIRE</p> <p>16 ANNE LISE CORRIVEAU, ESQUIRE</p> <p>17 PAUL, WEISS, RIFKIND,</p> <p>18 WHARTON & GARRISON, LLP</p> <p>19 2001 K Street, N.W.</p> <p>20 Washington, D.C. 20006</p> <p>21 mgoodman@paulweiss.com</p> <p>22 acorriveau@paulweiss.com</p>	<p>1 I N D E X</p> <p>2 EXAMINATION OF KENDALL OLIPHANT PAGE</p> <p>3 BY MS. GOODMAN 10</p> <p>4 BY MR. LIU 109</p> <p>5</p> <p>6</p> <p>7</p> <p>8 EXHIBITS</p> <p>9</p> <p>10 Exhibit 145 Amendment of 22</p> <p>11 Solicitation/Modification</p> <p>12 of Contract</p> <p>13 11-21-18</p> <p>14 CENSUS-ADS-0000073778-786</p> <p>15 Exhibit 146 E-Mail Chain 28</p> <p>16 dated 6-25-20</p> <p>17 Attachment</p> <p>18 CENSUS-ADS-0000668928-941</p> <p>19</p> <p>20 Exhibit 147 E-Mail Chain 36</p> <p>21 dated 4-12-18</p> <p>22 Attachment</p> <p>23 CENSUS-ADS-0000475977-018</p> <p>24 Exhibit 148 2020 Census Paid 47</p> <p>25 Media Campaign</p> <p>26 Fact Sheet</p> <p>27 CENSUS-ADS-0000052132-134</p> <p>28</p> <p>29 Exhibit 149 Y&R Invoices 63</p> <p>30 CENSUS-ADS-0000347549-692</p> <p>31 Exhibit 150 Y&R Purchase Orders 78</p> <p>32 CENSUS-ADS-0000350928-963</p>

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<p style="text-align: right;">Page 54</p> <p>1 THE WITNESS: There were requests</p> <p>2 for additional funding as additional work was</p> <p>3 added to the order.</p> <p>4 BY MS. GOODMAN:</p> <p>5 Q. And were those requests for</p> <p>6 additional funding approved via e-mail from Ms.</p> <p>7 Vélez?</p> <p>8 MR. LIU: Objection. Form.</p> <p>9 THE WITNESS: The e-mail may not</p> <p>10 have necessarily said approved. It would have</p> <p>11 been a template request for additional funds</p> <p>12 related to a new request or a new need outside</p> <p>13 of the funding currently available.</p> <p>14 BY MS. GOODMAN:</p> <p>15 Q. And Ms. Vélez made those requests</p> <p>16 for additional funding to whom?</p> <p>17 MR. LIU: Objection. Form and</p> <p>18 foundation.</p> <p>19 THE WITNESS: They would have been</p> <p>20 made to the decennial division of the decennial</p> <p>21 budget office.</p> <p>22 BY MS. GOODMAN:</p>	<p style="text-align: right;">Page 56</p> <p>1 anytime additional funds were added, yes.</p> <p>2 BY MS. GOODMAN:</p> <p>3 Q. Okay. And that differed from how</p> <p>4 you dealt with it on Order 15 with these media</p> <p>5 authorization forms; is that accurate?</p> <p>6 MR. LIU: Objection. Form.</p> <p>7 THE WITNESS: Two different things.</p> <p>8 Media authorization forms can only be signed if</p> <p>9 the funds are already on the order. If</p> <p>10 additional funds were requested to be added to</p> <p>11 the order, we would follow the process</p> <p>12 previously described.</p> <p>13 BY MS. GOODMAN:</p> <p>14 Q. Okay. And so with respect to</p> <p>15 Order 8, what way was moneys -- strike that.</p> <p>16 For when there are funds already on</p> <p>17 Order 8, how, if at all, was the purchase of</p> <p>18 media authorized?</p> <p>19 MR. LIU: Objection. Form.</p> <p>20 THE WITNESS: You'd have to look at</p> <p>21 where the funds were. There are contract line</p> <p>22 item numbers or CLINs, C-L-I-Ns, in the chart</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. Are they made to the contracting</p> <p>2 officer under the master contract?</p> <p>3 A. The contracting officer -- so when</p> <p>4 additional requests for funding -- once the</p> <p>5 funding has been approved, then a requisition</p> <p>6 is then submitted to the acquisitions division,</p> <p>7 along with the request to modify the contract</p> <p>8 to add additional work.</p> <p>9 Once that is done, then the</p> <p>10 contracting officer reviews all of that, looks</p> <p>11 at a price in a technical proposal as provided</p> <p>12 by Y&R, and then a new modification is drafted</p> <p>13 and signed by acquisitions, the contracting</p> <p>14 officer and a representative from Y&R.</p> <p>15 Q. The process which you just described</p> <p>16 resulting in contract modifications for</p> <p>17 Order 8, did that process happen each time that</p> <p>18 the Order 8 -- the folks responsible for</p> <p>19 Order 8 on a day-to-day basis requested</p> <p>20 additional funds?</p> <p>21 MR. LIU: Objection. Form.</p> <p>22 THE WITNESS: That process --</p>	<p style="text-align: right;">Page 57</p> <p>1 in every order -- in every modification on</p> <p>2 Order 8. You have funds that are -- I have to</p> <p>3 look at a model for Order 8, but you have funds</p> <p>4 that are specific to labor, you have funds that</p> <p>5 are specific to the web page. You have funds</p> <p>6 that are -- development of creative materials</p> <p>7 so Order 8 was -- they had a lot of optional</p> <p>8 CLINs listed in the original contract for</p> <p>9 Order 8.</p> <p>10 Because at the time, the order was</p> <p>11 initiated, originally signed, there were not</p> <p>12 funds allocated for every CLIN which is why you</p> <p>13 have modifications to enact a CLIN or to add</p> <p>14 money to an existing CLIN.</p> <p>15 BY MS. GOODMAN:</p> <p>16 Q. So for Order 8, once there was a</p> <p>17 CLIN line item for the purchase of national</p> <p>18 paid media, is that CLIN line item the thing</p> <p>19 that provides the contractor with authority to</p> <p>20 go out and purchase paid media for Order 8?</p> <p>21 MR. LIU: Objection. Form.</p> <p>22 Foundation.</p>

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<p style="text-align: right;">Page 58</p> <p>1 THE WITNESS: With Order 8, it would</p> <p>2 have to be a signed modification based upon the</p> <p>3 request to add funds for a specific activity</p> <p>4 within that CLIN.</p> <p>5 BY MS. GOODMAN:</p> <p>6 Q. And so once there is a signed</p> <p>7 modification, I should look at the signed</p> <p>8 modifications to figure out what authority was</p> <p>9 given to the contractor to go out and purchase</p> <p>10 media; is that accurate?</p> <p>11 MR. LIU: Objection. Form and</p> <p>12 foundation.</p> <p>13 THE WITNESS: It would -- yes, to</p> <p>14 some extent, yes.</p> <p>15 BY MS. GOODMAN:</p> <p>16 Q. Okay. I am handing you what's been</p> <p>17 previously marked as Exhibit 27,</p> <p>18 CENSUS-ADS-710075.</p> <p>19 This is an e-mail thread between</p> <p>20 yourself and the Office of Inspector General at</p> <p>21 the Department of Commerce, correct?</p> <p>22 A. Correct.</p>	<p style="text-align: right;">Page 60</p> <p>1 money between media types if opportunities</p> <p>2 became available as long as the total spend did</p> <p>3 not exceed the amount authorized on the actual</p> <p>4 MAF."</p> <p>5 That was an accurate statement,</p> <p>6 correct?</p> <p>7 MR. LIU: Objection. Form.</p> <p>8 THE WITNESS: It's an accurate</p> <p>9 statement but it's a little out of context.</p> <p>10 So they did not have the authority</p> <p>11 to just move money as they felt they needed --</p> <p>12 they wanted to move money. They had to consult</p> <p>13 with the census bureau, if they decided that it</p> <p>14 was within the MAF, within a specific media</p> <p>15 category, either they were unable to spend the</p> <p>16 allocated amount or they felt a better</p> <p>17 opportunity was -- was to reach that particular</p> <p>18 audience was available.</p> <p>19 Then they would discuss it with the</p> <p>20 census bureau. At which point, the census</p> <p>21 bureau would approve or disapprove and as long</p> <p>22 as it was within the amount -- it did not</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. And you attach in this e-mail, all</p> <p>2 -- screen shots of all of the media</p> <p>3 authorization forms that were signed in the</p> <p>4 course of Order 15, correct?</p> <p>5 A. Correct.</p> <p>6 Q. And if you look at page ending in</p> <p>7 76, under Item 2 at the top of the page, you</p> <p>8 see where Ms. -- well, somebody from the OIG's</p> <p>9 office poses the question to you in No. 2,</p> <p>10 beginning in the pizza box MAF.</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. And you write in response with the</p> <p>14 bold text, just under that question; is that</p> <p>15 accurate?</p> <p>16 A. That's accurate.</p> <p>17 Q. Okay. And you reported accurately</p> <p>18 to the Office of Inspector General that: "The</p> <p>19 MAF only provides authorization to spend the</p> <p>20 total amount listed on the document and even</p> <p>21 though there is funding listed for each media</p> <p>22 type, the agency had authority to move that</p>	<p style="text-align: right;">Page 61</p> <p>1 exceed the amount of the MAF, then they could</p> <p>2 go ahead and proceed with that purchase without</p> <p>3 any further documentation.</p> <p>4 BY MS. GOODMAN:</p> <p>5 Q. But you didn't write all of that in</p> <p>6 your e-mail to the OIG, correct?</p> <p>7 A. No, because we spoke almost every</p> <p>8 day.</p> <p>9 Q. And media authorization forms</p> <p>10 provide an authorization to expend money in a</p> <p>11 specific media category, correct?</p> <p>12 MR. LIU: Objection. Form.</p> <p>13 THE WITNESS: Media authorization</p> <p>14 forms list a multitude of media categories for</p> <p>15 a particular audience, and it -- based upon the</p> <p>16 media plan that was approved, it provides the</p> <p>17 authority to spend up to that amount for that</p> <p>18 particular vendor.</p> <p>19 BY MS. GOODMAN:</p> <p>20 Q. When you say "that particular</p> <p>21 vendor," you mean that particular subcontractor</p> <p>22 going out and purchasing media, correct?</p>

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<p>1 A. Yes.</p> <p>2 Q. And the media authorization forms do</p> <p>3 not provide an authorization to spend money</p> <p>4 with any specific vendor, correct?</p> <p>5 MR. LIU: Objection. Form.</p> <p>6 THE WITNESS: Correct.</p> <p>7 BY MS. GOODMAN:</p> <p>8 Q. And the census bureau does not</p> <p>9 direct the subcontractors to use a specific</p> <p>10 vendor, correct?</p> <p>11 MR. LIU: Objection. Form.</p> <p>12 Foundation.</p> <p>13 THE WITNESS: Correct.</p> <p>14 BY MS. GOODMAN:</p> <p>15 Q. Okay. And the census bureau does</p> <p>16 not tie the subcontractors' hands specifically</p> <p>17 by requiring the subcontractor to use Google,</p> <p>18 correct?</p> <p>19 MR. LIU: Objection. Form and</p> <p>20 foundation.</p> <p>21 THE WITNESS: Correct.</p> <p>22 MS. GOODMAN: Let's take a break.</p>	<p>1 347583.</p> <p>2 Well, before we get there, the</p> <p>3 invoice is from Y&R to the bureau of census,</p> <p>4 correct?</p> <p>5 A. Correct.</p> <p>6 Q. And it includes a variety of</p> <p>7 invoices within it from WaveMaker to Y&R,</p> <p>8 correct?</p> <p>9 MR. LIU: Objection to form.</p> <p>10 THE WITNESS: WaveMaker Puerto Rico,</p> <p>11 yes.</p> <p>12 BY MS. GOODMAN:</p> <p>13 Q. Okay. Now looking at page ending in</p> <p>14 583, this is a purchase order from Y&R to</p> <p>15 WaveMaker Puerto Rico dated December 6 of 2019,</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 MR. LIU: Objection. Form.</p> <p>19 THE WITNESS: Correct.</p> <p>20 BY MS. GOODMAN:</p> <p>21 Q. And this purchase order is for</p> <p>22 2 point -- \$2,278,130, correct?</p>
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<p>1 That's okay?</p> <p>2 THE VIDEOGRAPHER: The time is</p> <p>3 a.m. This ends Unit 1. We are off the record.</p> <p>4 (A short recess was taken.)</p> <p>5 THE VIDEOGRAPHER: The time is</p> <p>6 a.m. This begins Unit 2. We are on the</p> <p>7 record.</p> <p>8 BY MS. GOODMAN:</p> <p>9 Q. Ms. Oliphant, I am handing you</p> <p>10 Exhibit 149, CENSUS-ADS-347549.</p> <p>11 (Deposition Exhibit 149 was marked</p> <p>12 for identification.)</p> <p>13 BY MS. GOODMAN:</p> <p>14 Q. And this is an invoice for the</p> <p>15 purchase of paid media for Order 15, correct?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And you certified that to the</p> <p>18 best of your knowledge and belief, the services</p> <p>19 supplied shown on the invoice have been</p> <p>20 performed/furnished and are accepted, correct?</p> <p>21 A. Correct.</p> <p>22 Q. And let's look at page ending in</p>	<p>1 A. Correct.</p> <p>2 Q. And if you turn to -- ending in 585,</p> <p>3 just one other page, this includes Y&R's</p> <p>4 additional contract terms for this purchase</p> <p>5 order that it issued to WaveMaker Puerto Rico,</p> <p>6 correct?</p> <p>7 MR. LIU: Objection. Form.</p> <p>8 Foundation.</p> <p>9 THE WITNESS: That's what it appears</p> <p>10 to contain.</p> <p>11 BY MS. GOODMAN:</p> <p>12 Q. And if you look in the column on the</p> <p>13 left-hand side under: "Assignment confirmation</p> <p>14 and license," do you see where I am?</p> <p>15 A. Yes.</p> <p>16 Q. And it says: "Y&R New York is</p> <p>17 acting as agent for the above-named client."</p> <p>18 The client -- client in quotations.</p> <p>19 Then it says: "You are acting as an</p> <p>20 independent contractor and the works you submit</p> <p>21 are specifically commissioned for, but not</p> <p>22 limited to" including -- "inclusion in</p>

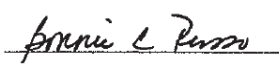
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<p>1 advertising and/or commercial materials." 2 Did I read that correctly? 3 A. Correct. 4 Q. And this contract term says that: 5 "WaveMaker is an independent contractor." 6 Is that how you -- how the census 7 bureau understands this term? 8 MR. LIU: Objection. Form. 9 Foundation. Calls for a legal conclusion. 10 THE WITNESS: The census bureau sees 11 WaveMaker and WaveMaker Puerto Rico as 12 subcontractors to Y&R. We have no privity into 13 their contracts with their subcontractors, and 14 if Y&R calls them independent contractors, 15 that's between Y&R and that particular vendor. 16 BY MS. GOODMAN: 17 Q. And this is -- you understand that 18 this purchase order is a contract between Y&R 19 and WaveMaker Puerto Rico, correct? 20 MR. LIU: Objection. Form and 21 foundation. 22 THE WITNESS: Yes.</p>	<p>1 What does that mean? 2 MR. LIU: Objection. Form. 3 Foundation. 4 THE WITNESS: So media purchases 5 were -- there was no markup on media. That 6 meant the agency could not earn any commission 7 and they would have to take out any commission 8 -- they could not bill the government for any 9 commission they earned or that was included, 10 period. 11 BY MS. GOODMAN: 12 Q. And -- so does this invoice from 13 WaveMaker to Y&R for paid search in the amount 14 of -- in the gross amount of \$828.55, does that 15 gross amount include a commission that Google 16 invoiced to WaveMaker? 17 MR. LIU: Objection. Form and 18 foundation. 19 THE WITNESS: It would be my 20 assumption, but I don't know. I do know that 21 the agency commission was removed and when you 22 go back to the page ending in 551 and you look</p>
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<p>1 BY MS. GOODMAN: 2 Q. Okay. And if you look at the next 3 page ending in 586, this purchase order from 4 Y&R to WaveMaker Puerto Rico authorizes or asks 5 WaveMaker to purchase the categories of 6 advertising listed in Table 1 up to the amounts 7 listed in the second column; is that accurate? 8 MR. LIU: Objection. Form. 9 THE WITNESS: That is accurate. 10 BY MS. GOODMAN: 11 Q. And then if we go to the next page 12 ending in 587, you see that this is an invoice 13 from WaveMaker Puerto Rico to Y&R, correct? 14 A. Correct. 15 Q. And this is an invoice for paid 16 search where you see campaign name, correct? 17 A. Correct. 18 Q. And the invoice total, the gross 19 total is \$828.55, correct? 20 A. Correct. 21 Q. And then there is a "less agency 22 commission."</p>	<p>1 at that particular invoice number, the amount 2 invoiced to the census bureau was the subtotal 3 of \$704.27. 4 BY MS. GOODMAN: 5 Q. And you are looking at the invoice 6 date 8-20-2020 for 704.27 on page ending 551? 7 A. Yes, I am. 8 Q. Okay. And that invoice date is the 9 date that WaveMaker invoiced Y&R, correct? 10 A. That is the date that matches the -- 11 the date on the invoice that we were discussing 12 on page number ending in 587. 13 Q. And that's the date of the invoice 14 from WaveMaker to Y&R? 15 A. Yes. 16 Q. And the issue date from Google 17 vendor invoice is April 1 of 2020, correct? 18 MR. LIU: Objection. Form. 19 Foundation. 20 THE WITNESS: That is what it 21 appears, yes. 22 BY MS. GOODMAN:</p>

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<p>1 Q. And did you review the invoice --</p> <p>2 strike that.</p> <p>3 Did the census bureau review the</p> <p>4 invoice from Google to WaveMaker in the amount</p> <p>5 of \$828.55?</p> <p>6 MR. LIU: Objection. Form.</p> <p>7 THE WITNESS: Yes, we did.</p> <p>8 BY MS. GOODMAN:</p> <p>9 Q. And was that part of the backup that</p> <p>10 was posted on Y&R's Egnyte site?</p> <p>11 A. Yes.</p> <p>12 Q. Does the census bureau have copies</p> <p>13 of the media -- of the media vendors invoices</p> <p>14 that were posted by Y&R on their Egnyte site?</p> <p>15 MR. LIU: Objection. Form.</p> <p>16 THE WITNESS: No.</p> <p>17 BY MS. GOODMAN:</p> <p>18 Q. Why not?</p> <p>19 A. Voluminous. It was a lot of backup.</p> <p>20 We spoke with our acquisitions division to ask</p> <p>21 if we needed to keep that, if we needed to</p> <p>22 download it to our system and they said no.</p>	<p>1 Q. Are you aware of any -- is the</p> <p>2 census bureau aware of any way it can determine</p> <p>3 how many clicks or impressions were obtained</p> <p>4 through this particular invoice that we are</p> <p>5 looking at on page ending 587, outside of the</p> <p>6 census bureau's own documentation?</p> <p>7 MR. LIU: Objection. Form.</p> <p>8 Foundation.</p> <p>9 THE WITNESS: We would have to go</p> <p>10 back to WaveMaker and request that information.</p> <p>11 That would be the only place -- it would be --</p> <p>12 well, Y&R, it would be on their site.</p> <p>13 BY MS. GOODMAN:</p> <p>14 Q. To your -- has the census bureau</p> <p>15 gone back and done, made that request of Y&R</p> <p>16 for purposes of this lawsuit?</p> <p>17 MR. LIU: Objection. Privileged.</p> <p>18 Attorney-client communications and attorney</p> <p>19 work product. To the extent that your answer</p> <p>20 would not rely on -- I would not divulge</p> <p>21 attorney-client communications or directions</p> <p>22 from attorneys, you may answer, but if it would</p>
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<p>1 Q. So sitting here today, three years</p> <p>2 after the 2020 census, do you have any way of</p> <p>3 determining -- does the census bureau have any</p> <p>4 way of determining what was invoiced, at least</p> <p>5 on this invoice here, page ending in 587, from</p> <p>6 Google to WaveMaker?</p> <p>7 MR. LIU: Objection. Form.</p> <p>8 Foundation.</p> <p>9 THE WITNESS: No, we do not, but the</p> <p>10 simple fact that I signed the invoice is a</p> <p>11 clear indication that the backup documentation</p> <p>12 was sufficient to justify the invoice.</p> <p>13 BY MS. GOODMAN:</p> <p>14 Q. And does the census bureau have a</p> <p>15 way to determine how many clicks or impressions</p> <p>16 were obtained through this \$828.55 invoice</p> <p>17 amount?</p> <p>18 MR. LIU: Objection. Form.</p> <p>19 Foundation.</p> <p>20 THE WITNESS: Not using their own</p> <p>21 documentation, no.</p> <p>22 BY MS. GOODMAN:</p>	<p>1 divulge those communications or directions, I</p> <p>2 would instruct you not to answer.</p> <p>3 THE WITNESS: I have no answer. I</p> <p>4 am -- I am unaware.</p> <p>5 BY MS. GOODMAN:</p> <p>6 Q. You don't know if the census bureau</p> <p>7 has gone to Y&R to request all the backup</p> <p>8 documentation.</p> <p>9 Am I understanding your testimony</p> <p>10 correctly?</p> <p>11 MR. LIU: Objection. Form.</p> <p>12 THE WITNESS: The census bureau has</p> <p>13 not specifically requested backup documentation</p> <p>14 from Y&R, no.</p> <p>15 BY MS. GOODMAN:</p> <p>16 Q. Okay. Let's turn to the page ending</p> <p>17 in 632.</p> <p>18 This is an invoice from WaveMaker to</p> <p>19 Y&R for a Google ad tech fee, correct?</p> <p>20 A. Correct.</p> <p>21 Q. What is a Google ad tech fee?</p> <p>22 MR. LIU: Objection. Form.</p>

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<p style="text-align: right;">Page 110</p> <p>1 they used anything other than that, it would be</p> <p>2 in violation of that particular contract.</p> <p>3 MR. LIU: Thank you. No further</p> <p>4 questions.</p> <p>5 MS. GOODMAN: Off the record.</p> <p>6 THE VIDEOGRAPHER: The time is</p> <p>7 a.m. We are off the record.</p> <p>8 (Pause.)</p> <p>9 THE VIDEOGRAPHER: The time is</p> <p>10 a.m. We're on the record.</p> <p>11 MS. GOODMAN: I think we were on the</p> <p>12 record for 1 hour, 59 minutes, yes?</p> <p>13 THE VIDEOGRAPHER: Yes.</p> <p>14 MS. GOODMAN: Okay. Off the record.</p> <p>15 THE VIDEOGRAPHER: The time is</p> <p>16 a.m. We're off the record.</p> <p>17 (Whereupon, the proceeding was</p> <p>18 concluded at 11:56 a.m.)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 112</p> <p>1 MARTHA L. GOODMAN, ESQUIRE</p> <p>2 mgoodman@paulweiss.com</p> <p>3 September 28, 2023</p> <p>4 RE: United States, Et Al v. Google, LLC</p> <p>5 9/27/2023, Kendall Oliphant (#6097939)</p> <p>6 The above-referenced transcript is available for</p> <p>7 review.</p> <p>8 Within the applicable timeframe, the witness should</p> <p>9 read the testimony to verify its accuracy. If there are</p> <p>10 any changes, the witness should note those with the</p> <p>11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of</p> <p>13 Deponent and Errata and return to the deposing attorney.</p> <p>14 Copies should be sent to all counsel, and to Veritext at</p> <p>15 erratas-cs@veritext.com.</p> <p>16</p> <p>17 Return completed errata within 30 days from</p> <p>18 receipt of testimony.</p> <p>19 If the witness fails to do so within the time</p> <p>20 allotted, the transcript may be used as if signed.</p> <p>21</p> <p>22 Yours,</p> <p>23 Veritext Legal Solutions</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 111</p> <p>1 CERTIFICATE OF NOTARY PUBLIC</p> <p>2 I, Bonnie L. Russo, the officer before</p> <p>3 whom the foregoing deposition was taken, do</p> <p>4 hereby certify that the witness whose testimony</p> <p>5 appears in the foregoing deposition was duly</p> <p>6 sworn by me; that the testimony of said witness</p> <p>7 was taken by me in shorthand and thereafter</p> <p>8 reduced to computerized transcription under my</p> <p>9 direction; that said deposition is a true</p> <p>10 record of the testimony given by said witness;</p> <p>11 that I am neither counsel for, related to, nor</p> <p>12 employed by any of the parties to the action in</p> <p>13 which this deposition was taken; and further,</p> <p>14 that I am not a relative or employee of any</p> <p>15 attorney or counsel employed by the parties</p> <p>16 hereto, nor financially or otherwise interested</p> <p>17 in the outcome of the action.</p> <p>18</p> <p>19</p> <p>20 </p> <p>21 Notary Public in and for</p> <p>22 the District of Columbia</p> <p>My Commission expires: August 14, 2025</p>	<p style="text-align: right;">Page 113</p> <p>1 United States, Et Al v. Google, LLC</p> <p>2 Kendall Oliphant (#6097939)</p> <p>3 E R R A T A S H E E T</p> <p>4 PAGE ____ LINE ____ CHANGE ____</p> <p>5</p> <p>6 REASON ____</p> <p>7 PAGE ____ LINE ____ CHANGE ____</p> <p>8</p> <p>9 REASON ____</p> <p>10 PAGE ____ LINE ____ CHANGE ____</p> <p>11</p> <p>12 REASON ____</p> <p>13 PAGE ____ LINE ____ CHANGE ____</p> <p>14</p> <p>15 REASON ____</p> <p>16 PAGE ____ LINE ____ CHANGE ____</p> <p>17</p> <p>18 REASON ____</p> <p>19 PAGE ____ LINE ____ CHANGE ____</p> <p>20</p> <p>21 REASON ____</p> <p>22</p> <p>23</p> <p>24 Kendall Oliphant Date</p> <p>25</p>